

**BOARD OF APPEALS CASE NO. 5286**

\*

**BEFORE THE**

**APPLICANTS: James & Michelina Chlada**

\*

**ZONING HEARING EXAMINER**

**REQUEST: Variance to allow an open-area walk  
out to encroach into the rear yard setback;  
2319 Kings Arms Drive, Fallston**

\*

**OF HARFORD COUNTY**

\*

**Hearing Advertised**

\*

**Aegis: 9/18/02 & 9/25/02**

**HEARING DATE: October 28, 2002**

\*

**Record: 9/20/02 & 9/27/02**

\* \* \* \* \*

## **ZONING HEARING EXAMINER'S DECISION**

The Applicants, James and Michelina Chlada, are requesting a variance, pursuant to Section 267-34C, Table II, and 267-23C(1)(a)(4) of the Harford County Code, to allow an open areaway to encroach into the required 74 foot rear yard setback (60 feet proposed) in an AG/Agricultural District.

The subject parcel is located at 2319 Kings Arms Drive and is more particularly identified on Tax Map 38, Grid 3F, Parcel 152, Lot 21. The parcel consists of 2.01± acres, is zoned Agricultural and is entirely within the Fourth Election District.

Mrs. Mickey Chlada appeared and testified that her house was constructed without an exterior basement entrance. She and her husband plan to add a walkout to the rear of the home. Two retaining walls will be necessary, as the rear of the home is sloped. French doors will open to 3-4 steps up to ground level. There is a garage on one side of the house and the septic reserve area is in the front of the house. The witness indicated that the closest home to the rear of her house, and the one most impacted, is over 300 feet away from the proposed walkout. It is doubtful that the walkout could be seen at all from any other property. Mrs. Chlada indicated that there was no other practical location for a walkout and that other homes in her neighborhood, nearly all in fact, have walkouts from their basements. The witness stated that the Woodsbrook Architectural Committee had approved the plans for the walkout. The encroachment into the rear yard setback will be only 14 feet and still leaves 60 feet of setback.

## **Case No. 5286 – James & Michelina Chlada**

The Department of Planning and Zoning recommends approval of the request, finding as follows:

“The Department finds that the subject property is unique due to the topography. The proposed location of the areaway is the only practical location. The variance, if approved, should not have an adverse impact on the adjacent property or the intent of the Code.”

No persons appeared in opposition to the request.

### **CONCLUSION:**

The Applicants, James and Michelina Chlada, are requesting a variance, pursuant to Section 267-34C, Table II, and 267-23C(1)(a)(4) of the Harford County Code, to allow an open areaway to encroach into the required 74 foot rear yard setback (60 feet proposed) in an AG/Agricultural District.

The Harford County Code, pursuant to 267-11 permits variances and provides:

“Variances from the provisions or requirements of this Code may be granted if the Board finds that:

- (1) By reason of the uniqueness of the property or topographical conditions, the literal enforcement of this Code would result in practical difficulty or unreasonable hardship.
- (2) The variance will not be substantially detrimental to adjacent properties or will not materially impair the purpose of this Code or the public interest.”

The Hearing Examiner agrees that the subject parcel has unique characteristics justifying the request for a variance. The encroachment requested is minimal and should have no adverse impacts associated with it. Basement walkouts are both common and convenient and the hearing Examiner finds the proposed location compatible with the neighborhood and the only practical location for such an areaway. The neighborhood architectural committee has approved the request and obviously finds it compatible with general architectural requirements of the neighborhood.

**Case No. 5286 – James & Michelina Chlada**

The Hearing Examiner recommends approval of the request, subject to the condition that the Applicant obtain any and all necessary permits and inspections.

Date NOVEMBER 25, 2002

William F. Casey  
Zoning Hearing Examiner